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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/767,345   | 01/30/2004  | James B. Clarke      | 06502.0577          | 5235             |
| 58328  | 7590        | 06/10/2010           | EXAMINER            |                  |
| MARSH FISCHMANN & BREYFOGLE LLP<br>8055 E. Tufts Avenue, Suite 450<br>Denver, CO 80237 |             |                      |                     | MIRZA, ADNAN M   |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
| 2445   |             |                      |                     |                  |
| MAIL DATE  |             | DELIVERY MODE        |                     |                  |
| 06/10/2010   |             | PAPER                |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|   | Application No. | Applicant(s)  |
|---|-----------------|---------------|
| <b>Response to Rule 312 Communication</b> | 10/767,345      | CLARKE ET AL. |
|   | Examiner        | Art Unit      |
|   | ADNAN MIRZA     | 2445          |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

1.  The amendment filed on 03 March 2010 under 37 CFR 1.312 has been considered, and has been:

- a)  entered.
- b)  entered as directed to matters of form not affecting the scope of the invention.
- c)  disapproved because the amendment was filed after the payment of the issue fee.  
Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.
- d)  disapproved. See explanation below.
- e)  entered in part. See explanation below.

/VIVEK SRIVASTAVA/  
Supervisory Patent Examiner, Art Unit 2445

/ADNAN MIRZA/  
Examiner, Art Unit 2445